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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058558
Party	Defendant Gotime Corporation
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Date	04/29/2014
Attachments	GoTime Corporation - Answer to Petition for Cancellation - Cancellation No 92058558-v1.pdf(17557 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of U.S. Trademark Registration No. 3803777

Mark: GOTIME & Design

Registration Date: June 15, 2010

Go Daddy Operating Company LLC,	)	
	)	
Petitioner,	)	Cancellation No. 92058558
	)	
v.	)	
	)	
GoTime Corporation,	)	
Registrant.	)	
	)	

**ANSWER TO PETITION FOR CANCELLATION**

Registrant GoTime Corporation, by and through its attorneys, hereby answers the Petition for Cancellation as follows:

**INTRODUCTION**

Petitioner seeks to cancel GoTime Corporation's ("GoTime") United States Registration No. 3,803,777, for the GOTIME & Design mark (the "'777 Registration"). But GoTime actively uses, offers the services identified in the '777 Registration, and trades under the GOTIME & Design mark identified in the challenged registration. Indeed, the organic listing of a Google search for "GoTime" populates with GoTime's website, <gotime.com>, as the very first hit. Clicking on the link in the Google search results brings the user to the <gotime.com> website which prominently and clearly displays the mark as shown in the '777 Registration. In addition to the services offered directly through its website, GoTime also actively partners with various entities to provide services under the GOTIME & Design mark relating to over 100 cities across the United States. GoTime's apps have been downloaded millions of times and are currently

available for download at Google play, iTunes, and for Blackberry devices. In short, Petitioner's claim of abandonment plainly lacks any basis in fact, and this case should be dismissed.

### **RESPONSE**

1. Registrant admits that, to the best of its knowledge, Petitioner is a Delaware limited liability company located at 14455 N. Hayden Road, Scottsdale, Arizona 85260.

2. Registrant admits that it is the owner of Registration No. 3,803,777 for the mark GOTIME & Design and that the public records of the United States Patent and Trademark Office provide the following information:

Registrant: GoTime Corporation, a Delaware corporation  
Mark: GOTIME & Design  
Address: 1514 NW 59<sup>th</sup> Street  
Seattle, WA 98107  
Reg. Date: June 15, 2010

#### Goods & Services:

On-line advertising and marketing services; marketing services, namely, conducting consumer tracking, behavior research and consumer trend analysis; Advertising by transmission of on-line publicity for third parties through electronic communications networks, in International Class 35.

Providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; Information transmission via electronic communications networks, in International Class 38.

Providing current event news and information via a global computer network and optical and electronic communication networks; providing information in the field of entertainment activities; electronic publishing services, namely, publication of text and graphic works of others via a global computer network and optical and electronic communication networks featuring current event news, entertainment news, information about bars, nightclubs and restaurants, information about entertainment venues, information about athletic competitions and contests, and information about social and cultural events; arranging and conducting parties and social events, in International Class 41

Application service provider, namely, providing, hosting, managing, developing, and maintaining applications, software, web sites, and databases in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers,

laptops and mobile electronic devices; providing a website that gives users the ability to create customized web pages featuring user-defined information; providing temporary use of non-downloadable computer software for use in posting, transmitting, retrieving, receiving and managing text, voice, audio and visual content and data via computers, mobile and handheld computing devices, and wired and wireless communication devices; providing temporary use of non-downloadable computer software for social networking, in International Class 42.

On-line social networking services, in International Class 45.

3. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 and therefore denies them.

4. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 and therefore denies them.

5. Registrant denies the allegations of paragraph 5.

6. Registrant denies the allegations of paragraph 6.

7. Registrant denies the allegations of paragraph 7.

8. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8 and therefore denies them.

Registrant expressly denies all allegations in unnumbered paragraphs of the Petition for Cancellation, and any other remaining allegations not expressly admitted herein.

WHEREFORE, Registrant requests that this cancellation proceeding be dismissed with prejudice against Petitioner.

DORSEY & WHITNEY LLP

Dated: April 29, 2014

By: /s/ Scott P. Sinor

Scott P. Sinor

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**Attorneys for Registrant GoTime  
Corporation**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of April, 2014, the foregoing **ANSWER TO  
PETITION FOR CANCELLATION** was served via United States first class mail to Petitioner,  
as follows:

John F. Slafsky  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304-1050

Martha Kimes  
GoDaddy.Com Inc.  
14455 N Hayden Rd., Suite 219  
Scottsdale, AZ 85260

Dated: April 29, 2014

DORSEY & WHITNEY LLP

By: /s/ Cindy Wildin

Cindy Wildin